C.   REMARKS

The Examiner is thanked for the performance of a thorough search. By this amendment, Claims 1-6, 13, 40, 67 and 88-109 have been canceled. Hence, Claims 7-12, 14-39, 41-66 and 68-87 are pending in this application. The specification has also been amended to correct some formalities. The amendments to the claims and the specification do not add any new matter to this application. All issues raised in the Office Action mailed July 26, 2007 are addressed hereinafter.

PRIORITY

The Office Action raises several issues with respect to the priority of the present application. The specification has been amended as indicated herein to remove the priority claim. Entry of the amendment is respectfully requested.

OBJECTION TO SPECIFICATION

The specification is objected to for two reasons. The first reason is that the text on Page 16, Paragraph [0054], line 3 should be changed to "…Referring also to FIG. 6, after starting in step 602…" The second reason is that the "external agents" recited in Claims 13, 40 and 67 are not mentioned in the description.

The specification has been amended to address the issue on Page 16 by changing "FIG. 5" to "FIG. 6." Claims 13, 40 and 67 have been canceled. In view of these amendments, reconsideration and withdrawal of the objection to the specification is respectfully requested.

REJECTION OF CLAIMS 7-87 UNDER 35 U.S.C. § 102(e)

Claims 7-87 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Linden*, U.S. Patent No. 6,266,649. This rejection is now moot with respect to canceled Claims 13, 40 and 67. It is respectfully submitted that Claims 7-12, 14-39, 41-66 and 68-87 are patentable over *Linden* for at least the reasons provided hereinafter.

CLAIM 7

Claim 7 is directed to a method for estimating how a particular user would rate a particular item from a plurality of items control apparatus and recites:

"identifying one or more items from the plurality of items that have ratings similar to the particular item;

identifying one or more other users that have given ratings to the one or more items that are substantially similar to ratings given by the particular user to the one or more items; and

generating an estimation of how the particular user would rate the particular item based upon ratings for the particular item given by the one or more other users."

The approach for estimating how a user would rate a particular item recited in Claim 7 is a ratings-based approach that matches tastes across users to generate the estimation. In particular, after the one or more items that have ratings similar to the particular item have been identified in the first step, one or more similar users are identified in the second step. The similar users are users that have similar tastes to the particular user, i.e., that have rated the one or more items similar to the particular user, irrespective of whether the ratings are favorable or not. Once the similar users have been identified, then the estimation is generated based upon how the similar users rated the particular item.

It is respectfully submitted that one significant difference between the approach recited in Claim 7 and the approach described in *Linden* is that *Linden* does not teach or suggest matching tastes across users to generate an estimated rating, as reflected in the Claim 7 limitations "identifying one or more other users that have given ratings to the one or more items that are substantially similar to ratings given by the particular user to the one or more items" and "generating an estimation of how the particular user would rate the particular item based upon ratings for the particular item given by the one or more other users."

The foundation of the approach in *Linden* is a mapping structure that identifies similar items. For each item in the structure, a similar items list is generated that identifies other items that are considered to be similar. Similarity of items may be based upon a variety of factors, such as common purchases and content-based similarity.

In *Linden*, when a recommendation is to be made for a particular item, the similar items list is retrieved for the particular item and the items in the similar items list are ranked and/or filtered. The resulting items are used for a recommendation. For example, when a user adds a particular item to an online shopping cart, the user is presented with a list of other items that are similar to the particular item and given an opportunity to add those other items to their cart. See,

e.g., Col. 2, line 32 through Col. 3, line 29. See also the recommendation process described at Col. 10, line 37 through Col. 11, line 56 and FIG. 2.

What is missing in *Linden* is that there does not appear to be any correlating of users based upon ratings of items to identify similar users (the "one or more other users") and then using ratings of the similar users to generate an estimated rating. In *Linden*, user ratings are used to weight or rank items in a similar items list, as described in Col. 11, lines 20-37, but there is no correlating of users in the manner recited in Claim 7. The Office Action refers to the text at Col. 8, lines 35-50 for teaching the Claim 7 limitation "identifying one or more other users that have given ratings to the one or more items that are substantially similar to ratings given by the particular user to the one or more items." This portion of *Linden* describes how the recommendation process 52 generates personal recommendations based upon information stored within the similar items table 60 and items that are known to be of interest to a particular user. The items known to be of interest to a particular interest may be selected based upon prior items purchased by the particular user, the items currently in the shopping cart of the particular user, items obtained from a favorites list of the particular user and items parsed from a credit card of the particular user. In this portion of *Linden*, the items known to be of interest to the particular user are determined based upon information relating to the particular user. Applicant has studied this portion of *Linden* and there does not appear to be any correlation of the particular user with others users in the manner recited in Claim 7.

It is therefore respectfully submitted that the Claim 7 limitations "identifying one or more other users that have given ratings to the one or more items that are substantially similar to ratings given by the particular user to the one or more items" and "generating an estimation of how the particular user would rate the particular item based upon ratings for the particular item given by the one or more other users" are not taught or suggested by *Linden* and that Claim 7 is therefore patentable over *Linden*.

CLAIMS 8-12 AND 14-33

Claims 8-12 and 14-33 all depend from Claim 7 and include all of the limitations of Claim 7. It is therefore respectfully submitted that Claims 8-12 and 14-33 are patentable over *Linden* for at least the reasons set forth herein with respect to Claim 7. Furthermore, it is

respectfully submitted that Claims 8-12 and 14-33 recite additional limitations that independently render them patentable over *Linden*.

CLAIMS 34-39 AND 41-60

Claims 34-39 and 41-60 recite limitations similar to Claims 7-12 and 14-33, except in the context of computer-readable media. It is therefore respectfully submitted that Claims 34-39 and 41-60 are patentable over *Linden* for at least the reasons set forth herein with respect to Claims 7-12 and 14-33.

CLAIMS 61-66 AND 68-87

Claims 61-66 and 68-87 recite limitations similar to Claims 7-12 and 14-33, except in the context of apparatuses. It is therefore respectfully submitted that Claims 61-66 and 68-87 are patentable over *Linden* for at least the reasons set forth herein with respect to Claims 7-12 and 14-33.

In view of the foregoing, it is respectfully submitted that Claims 7-12, 14-39, 41-66 and 68-87 are patentable over *Linden*. Accordingly, reconsideration and withdrawal of the rejection of Claims 7-12, 14-39, 41-66 and 68-87 under 35 U.S.C. § 102(e) as being anticipated by *Linden* is respectfully requested.

CONCLUSION

It is respectfully submitted that all of the pending claims are in condition for allowance and the issuance of a notice of allowance is respectfully requested. If there are any additional charges, please charge them to Deposit Account No. 50-1302.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that such contact would be helpful in furthering the prosecution of this application.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

/EdwardABecker#3777
Edward A. Becker
Date:

2055 Gateway Place, Suite 550
San Jose, CA 95110
(408) 414-1204
Facsimile: (408) 414-1076